

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

150
JOHN WILLIAM WATSON

v.

UNITED STATES OF AMERICA

Docket: #1:00-CR-119
-03

Dated: 4-15-05

FILED
HARRISBURG, PA

APR 21 2005

MARY E. D'ANDREA, CLERK
Per JK
Deputy Clerk

PETITIONERS MOTION TO REQUEST
EXTENSION OF TIME TO FILE BRIEF
(CERTIFICATE OF APPEALABILITY..)

And now comes the Defendant John William Watson pro se, and moves before this honorable Court requesting necessary extension of time to file Certificate of Appealability (C.O.A.) from opinion and order of this Courts denial of Petitioner's Writ of Habeas Corpus (28 U.S.C.2255 rendered on February 28, 2005.

Petitioner makes his Motion on the grounds that:

1. Defendant was removed from F.C.I. Allenwood without notice to current new facility here at U.S.P./Canaan. This facility does not have a "Law Library" in place for inmate access to the Court. This has completely impeded any effort by the defendant to file either a "Notice of appeal" and/or "Certificate of Appealability" of which the Court has ordered Due by April 26, 2005.
2. Petitioner submits that because there has not been a tentative date set by this Administration as to when the "law Library" will be activated this request for additional time is not "specific" but "indefinite" (please see letter attached marked exhibit #1)
3. Petitioner submit that he has sincere intention and overwhelming grounds to seek "Certificate of Appealability" by Motion.
4. Overall, the petitioner's request and/or intent through this Motion is to "Stop the Clock" as to any "time deadlines" until U.S.P./Canaan activates its "Law Library" for inmate access to the Court. Petitioner shall notify this court by letter from this Institutions Administrator confirming its future activation date.
5. I have also enclosed copy of this Courts most recent order on issued dated 4-6-05,22 letter's of previous correspondence between the defendant and counsel of record.

IN CONCLUSION

Wherefore, the petitioner praise this Honorable Court to grant Appropriate time extension for additional time to submit (C.O.A.) Brief.

Dated: 4-15-05

Respectfully,

X John William Watson

JOHN WILLIAM WATSON
#10075-067
U.S.P./Canaan
P.O. BOX 300
WAYMART, PA..18472

CERTIFICATE OF SERVICE

I, JOHN WILLIAM WATSON, hereby certify that I have served a true and correct copy of the foregoing:

WILLIAM BEHE AUSA
fedaraL Building Room#217
228 Walnut street
Harrisburg, Pa.#17108

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston vs. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and/or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

and deposited same in the United States Postal Mail at the United States Penitentiary,

Signed on this 15 day of April, 2005,

Respectfully Submitted,
X JOHN WILLIAM WATSON

REG. NO. 10075-067



Federal Bureau of Prisons

United States Penitentiary Canaan

*Post Office Box 400
Waymart, Pennsylvania 18472*

Date: March 31, 2005

From: Cameron Lindsay, Warden

To: Watson, John William, #10075-067

Ref: Law Library

The United States Penitentiary, Canaan, is in the activation phase, and currently the Law Library is not in operation.

We expect it to be in operation in the near future, hopefully, by the end of April, 2005.

Exhibit #1

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
: **CASE NO. 1:00-CR-119-03**
v. :
: **(Judge Kane)**
JOHN WATSON, :
Petitioner :
:

MEMORANDUM AND ORDER

AND NOW, this 6th day of April, 2005, upon consideration of Petitioner's Motion to Request Extension of Time to File a Certificate of Appealability, **IT IS HEREBY ORDERED THAT** said Motion is **GRANTED**. Petitioner shall have until April 26, 2005, to file his Certificate of Appealability.

S/ Yvette Kane
Yvette Kane
United States District Judge

AHMAD LAW OFFICES, P.C.

A Professional Corporation

Anser Ahmad, Esquire

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Fax: (717) 920-9101

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Satellite offices:
Philadelphia, PA
Baltimore, MD

March 9, 2005

John William Watson- #10075-067
P.O. Box 2000
White Deer, PA 17887

RE: Denial of Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2255

Dear Mr. Watson:

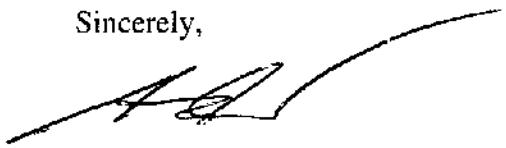
Enclosed please find the Memorandum and Order of the U.S. District Court for the Middle District of Pennsylvania. Unfortunately, the Court has denied your Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2255.

If you wish to appeal this decision, you must first obtain a Certificate of Appellability (COA) from the District Court pursuant to 28 U.S.C. §2253. A Notice of Appeal must then be filed within sixty (60) days of the February 28, 2005 Memorandum and Order denying your Petition for Writ of Habeas Corpus. (Therefore, the Notice of Appeal must be filed on or prior to April 29, 2005, should you desire to appeal this decision.) Please note that you are not permitted to appeal the decision unless you have obtained the COA, which will be issued by the District Court only if there exists a substantial showing of the denial of a constitutional right.

As I was retained to handle the filing and representation of you in the Petition for Writ of Habeas Corpus only, and a final decision has been rendered on that petition, my representation of you is now complete. **Should you wish to have any additional legal work performed by my office, we will need to enter into a new legal representation agreement (see agreement). Please understand that I will not be representing you in any forum or on any matters from this point forward without a new legal representation agreement.**

It has been my pleasure to represent you and I wish you all the best in your future endeavors. If you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



Anser Ahmad, Esq.

AA/pw
Enclosure

Exhibit *2

AHMAD LAW OFFICES, P.C.

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Baltimore, MD

April 7, 2005

John William Watson
#10075-067 Unit A-1
USP/CANAAN
P.O. Box 300
Waymart, PA 18472

**RE: Motion for Extension of Time to File a Certificate of Appealability
Response to Letter Dated April 1, 2005**

Dear Mr. Watson:

Enclosed please find the Memorandum and Order my office received today from the Middle District of Pennsylvania's Electronic Filing System. As you will see, you have been granted an extension of time to file your Certificate of Appealability until April 26, 2005.

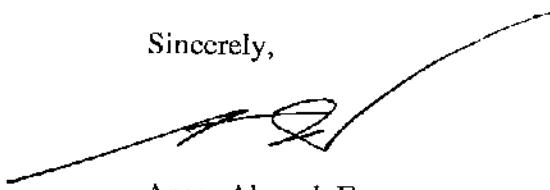
I have also today received your letter dated April 1, 2005. While I understand your frustration regarding the Court's decision regarding your habeas corpus petition, I believe that, at least as it criticizes my advocacy, it is misplaced. I at all times represented you to the fullest of my abilities.

With regard to the Government's response to the habeas corpus petition, I do not recall whether or not I concurred with the Government's request for an extension of time. But as I indicated to you, my normal procedure is to concur with such requests. I do recall that Mr. Behr concurred with most of our requests for extensions, so it is very likely that I reciprocated that professional courtesy.

As I previously indicated to you in my letter dated March 9, 2005, I am no longer representing you in any forum or on any matters. Therefore, enclosed please find a copy of my Motion to Withdraw as Counsel which has been filed with the Middle District.

If you have any questions, please feel free to contact my office.

Sincerely,



Anser Ahmad, Esq.

AA/pw
Enclosures

Exhibit W3

JOHN William WATSON

Vs.

UNITED STATES of AMERICA

o

o Docket # 1:00-CR-119-03

o

DATE: 3-24-05

Defendant's Motion to Request
EXTENSION of TIME to FILE BRIEF (C.O.A.)

AND NOW COMES THE DEFENDANT JOHN WILLIAM WATSON PRO SE, AND MOVES before this HONORABLE COURT REQUESTING EXTENSION OF TIME TO FILE C.O.A (CERTIFICATE OF APPEALABILITY) FROM THE OPINION AND ORDER OF THIS COURT'S DENIAL OF PETITIONER'S WRIT OF HABEAS CORPUS (28 U.S.C. 2255) RENDERED ON FEBRUARY 28, 2005. PETITIONER MAKES THIS MOTION ON THE GROUNDS THAT:

1. DEFENDANT WAS REMOVED FROM F.C.I. ALLENWOOD WITHOUT NOTICE TO CURRENT ("NEW") FACILITY ON TUESDAY THE 17TH DAY OF MARCH 2005, THE "NEW" FACILITY HERE AT U.S.P./CANAAN "DO NOT" AS OF YET HAVE A LEGAL "LAW LIBRARY" IN PLACE. ~~THE~~ PETITIONER'S CONSTITUTIONAL RIGHTS TO DUE-PROCESS AND ACCESS TO THE COURT HAS THEREFORE BEEN "STOPPED COMPLETELY". PETITIONER SUBMITS THAT THERE HAS NOT BEEN A TENTATIVE OR SPECIFIC DATE SET BECAUSE ^{OF} THE DEGREE "WORK YET TO BE DONE". (PLEASE SEE LETTER OF VERIFICATION ATTACHED, MARKED EXHIBIT #1) [THE EXHIBIT IS LETTER VERIFYING THE AFOREMENTIONED FACTS FROM U.S.P./CANAAN ADMINISTRATION]

2. PETITIONER SUBMITS THAT HE HAS EVERY INTENTION AND OVERWHELMING GROUNDS TO SEEK "CERTIFICATE OF APPEALABILITY" BY MOTION, ~~AND~~ FILING. SAID MOTION IS OF COURSE CONTINGENT UPON THE AVAILABILITY AND/OR ACTIVATION OF U.S.P./CANAAN'S "LAW LIBRARY" BEING PUT IN PLACE FOR INMATE ACCESS. DEFENDANT SUBMITS THAT HE WILL THEN NEED ATLEAST THE STANDARD 60 DAYS PROVIDED BY THE COURT TO SUBMIT "CERTIFICATE OF APPEALABILITY BRIEF".

NEXT

WHEREFORE, THE PETITIONER'S PRAISE this Honorable Court to Grant APPROPRIATE TIME EXTENSION FOR ADDITIONAL TIME to Submit(C.O.A) CERTIFICATE of APPEALIBILITY..

DATED: 3-24-05

Respectfully,

John L. Watson
JOHN WILLIAM WATSON
*10075-067
USP / CANAAN
P.O. Box 300
WAY MART, PA
*18472

MR. JOHN WILLIAM WATSON #10075-067
U.S.P. /CANANAN
P.O. BOX 300
WAYMANT, PA. #418472

THE OFFICE OF THE CLERK OF THE CT.,
U.S. Federal Building (Hon. Y. Kane)
228 Walnut Street.....
HARRISBURG, PENNSYLVANIA. #17108

RETURN RECEIPT
REQUESTED

1 LOCAL MALL LOCAL WALL

LEGAL MAIL

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